

AN ORDINANCE

BY

03-0-0042

AN ORDINANCE TO AMEND THE GENERAL EMPLOYEES PENSION LAWS (GEORGIA LAWS 1927, P. 265, PARTICULARLY AS AMENDED BY GEORGIA LAWS 1978, P. 4546 [AND AS HAS BEEN FURTHER AMENDED] AND CODIFIED AT SECTION 6-37 RELATED LAWS SECTION OF VOLUME I, CITY CHARTER AND CODE) SO AS TO PROVIDE THAT EMPLOYEES WHO HAVE BEEN FURLOUGHED OR SEPARATED FROM THE SERVICE OF THE CITY DUE TO A REDUCTION IN FORCE IN ACCORDANCE WITH SECTION 114-379 OF THE CITY CODE, AFTER JANUARY 1, 2002, AND WHERE THE EMPLOYEES' POSITIONS HAVE BEEN ABOLISHED BY ACTION OF THE CITY COUNCIL AND WHO SHALL HAVE SERVED 15 YEARS IN THE ACTIVE SERVICE OF THE CITY, AND WHO SHALL NOT HAVE ATTAINED THE AGE OF 60 YEARS, MAY AS A MATTER OF RIGHT, WITHIN THE TWO YEAR REEMPLOYMENT RIGHTS PERIOD, RETIRE FROM ACTIVE SERVICE AND RECEIVE AN EARLY RETIREMENT BENEFIT AS PROVIDED IN THIS ORDINANCE; TO PROVIDE THAT SIMILARLY SITUATED EMPLOYEES WHO WERE "RIFFED" AFTER JANUARY 1, 2002 BUT PRIOR TO THE ENACTMENT OF THIS ORDINANCE AND WHO HAVE REQUESTED AND RECEIVED A REFUND OF THEIR EMPLOYEE CONTRIBUTIONS, MAY BE REINSTATED INTO THE PENSION FUND AND SHALL BE ELIGIBLE TO RECEIVE THIS BENEFIT UPON THE FULL REPAYMENT WITHIN THE TWO YEAR REEMPLOYMENT RIGHTS PERIOD, OF THE AMOUNT OF THE REFUND PLUS INTEREST AT THE RATE OF 7% PER ANNUM CALCULATED FROM THE DATE OF THE REFUND; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, AS FOLLOWS:

**Section 1:** Georgia Laws 1927, p. 265, particularly as amended by Georgia Laws 1978, p. 4546 (and as has been further amended) and codified at Section 6-37, Related

Laws Section of Volume I, City Charter and Code (General Employees Pension Fund), is hereby amended by creating a new section “(w)” which shall provide as follows:

- (w)(i) any officer or employee who has been furloughed or separated from the service of the city due to a reduction in force in accordance with Section 114-379 of the City Code, and where such officer or employee’s position has been abolished by action of the City Council after January 1, 2002, and who shall have served 15 years in the active service of the city, and who shall not have attained the age of 60 years, may as a matter of right, within the two year reemployment rights period, retire from active service and receive an early monthly retirement benefit. Said early monthly retirement benefit shall be equal to a normal monthly pension benefit less one-fourth (1/4) of one percent (1%) per month for each month not to exceed 60 months that the officer or employee lacks in being 60 years of age, and one-eighth (1/8) of one percent (1%) per month for each month in excess of 60 months that the officer or employee lacks in being 60 years of age.
- (ii) any officer or employee who has been furloughed or separated from the service of the city due to a reduction in force in accordance with Section 114-379 of the City Code, and where such officer or employee’s position has been abolished by action of the City Council after January 1, 2002 but prior to the enactment of this ordinance and who shall have served 15 years in the active service of the city and who shall not have attained the age of 60 years, and who has requested and received a refund of his/her employee contributions, may be reinstated into the pension fund and may as a matter of right, within the two year reemployment rights period, retire from active service and receive an early monthly retirement benefit calculated in accordance with (i) above; provided however, that the eligibility to receive said benefit shall be subject to the full repayment within the two year reemployment rights period, of the amount of the refund plus interest at the rate of 7% per annum calculated from the date of the refund.

**Section 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.